

Senate File 183

H-1380

1 Amend Senate File 183, as passed by the Senate, as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. INTERIM STUDY COMMITTEE — ALTERNATIVE PROJECT
5 DELIVERY CONTRACTS.

6 1. As used in this section, unless the context requires
7 otherwise:

8 a. "Alternative project delivery contract" means either a
9 design-build contract or a guaranteed maximum price contract.

10 b. "Construction manager-at-risk" means a sole
11 proprietorship, partnership, corporation, or other legal entity
12 that assumes the risk for the construction, rehabilitation,
13 alteration, or repair of a project and provides consultant
14 services to a governmental entity in the development and design
15 phases, working collaboratively with the design professionals
16 involved.

17 c. "Design-build contract" means a single contract providing
18 for both design services and construction services that may
19 include maintenance, operations, preconstruction, and other
20 related services.

21 d. "Elected official" means an individual elected to, or
22 appointed to fill, a state or local elective office.

23 e. "Governmental entity" means and includes the
24 state, political subdivisions of the state, public school
25 corporations, and all officers, boards, or commissions
26 empowered by law to enter into contracts for the construction
27 of public improvements.

28 f. "Guaranteed maximum price contract" means the agreed-to
29 fixed or guaranteed maximum price pursuant to a contract
30 entered into by the construction manager-at-risk and the
31 governmental entity.

32 g. "Public improvement" means a building or construction
33 work that is constructed under the control of a governmental
34 entity and for which either of the following applies:

35 (1) Has been paid for in whole or in part with funds of the

1 governmental entity.

2 (2) A commitment has been made prior to construction by the
3 governmental entity to pay for the building or construction
4 work in whole or in part with funds of the governmental entity.

5 2. The legislative council is requested to establish an
6 interim study committee during the 2021 legislative interim to
7 evaluate and discuss issues relating to the use of alternative
8 project delivery contracts by governmental entities.

9 3. The committee shall consist of the following members:

10 a. Three members of the senate appointed by the majority
11 leader of the senate, and two members of the senate appointed
12 by the minority leader of the senate.

13 b. Three members of the house of representatives appointed
14 by the speaker of the house of representatives, and two members
15 of the house of representatives appointed by the minority
16 leader of the house of representatives.

17 c. Two members who are representatives of an industry that
18 may be affected by the potential use of alternative project
19 delivery contracts by governmental entities.

20 d. Two members who are elected officials.

21 4. The committee shall review the issues related to and
22 make recommendations regarding whether and to what extent
23 governmental entities should utilize alternative project
24 delivery contracts for public improvements. The committee
25 shall consider testimony from interested stakeholders and the
26 effects alternative project delivery contracts for public
27 improvements have had on other states.

28 5. The committee shall submit a report containing its
29 findings and recommendations to the members of the general
30 assembly by December 31, 2021.>

31 2. Title page, by striking lines 1 through 5 and inserting
32 <An Act requesting the establishment of an alternative project
33 delivery contracts study committee.>

WILBURN of Story